

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PINNACLE FOODS GROUP, LLC
Employer

and

ROBERT GENTRY
Petitioner

Case 14-RD-226626

and

LOCAL 881 UNITED FOOD AND COMMERCIAL
WORKERS UNION
Union

ORDER

The Petitioner's and the Employer's Requests for Review of the Acting Regional Director's Order Granting Union's Request to Block the Petition and Order Canceling Hearing are denied as they raise no substantial issues warranting review.¹

¹ For institutional reasons, Chairman Ring and Member Kaplan apply extant law in denying the Requests for Review. However, in their view, this case highlights significant issues with the law pertaining to blocking charges that potentially frustrate the rights of employees. In particular, they note that here, the Acting Regional Director summarily granted the Union's request to block the election on the same day an unfair labor practice charge was filed. The election remains blocked even though the Union failed to substantiate certain allegations it made in its initial unfair labor practice charge in Case 14-CA-226922. And although a complaint ultimately issued upon an amended charge, the *timing* of the initial charge—filed 18 months after the Union's certification and 12 months after the parties began bargaining, but only days after the decertification petition was filed—suggests that its primary purpose was to delay the decertification election. In light of such an example of suspect timing, and for other reasons, the Board intends to revisit the blocking charge policy in a future rulemaking proceeding.

Member McFerran concurs with her colleagues in denying the Requests for Review. In joining her colleagues in denying review, Member McFerran does so because the Acting Regional Director's decision to block the election is consistent with the Board's longstanding blocking charge policy and Board precedent.

Finally, Member McFerran notes that she was not part of any decision by the Board majority to revisit the blocking charge policy in a future rulemaking. She anticipates that all

JOHN F. RING, CHAIRMAN

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

Dated, Washington, D.C., February 4, 2019.

Board members, whatever their prior expressed views in connection with blocking-charge issues, will keep an open mind during any future rulemaking on the subject.